



POLICE DEPARTMENT

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In the Matter of the Disciplinary Proceedings :

- against - :

FINAL

Police Officer Robert Lynch :

ORDER

Tax Registry No. 935219 :

OF

Police Service Area 7 :

DISMISSAL
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Police Officer Robert Lynch, Tax Registry No. 935219, having been served with written notice, has been tried on written Charges and Specifications numbered 2023-27817 as set forth on form P.D. 468-121, dated January 25, 2023, and after a review of the entire record, Respondent, having pleaded Guilty, is found Guilty.

Now therefore, pursuant to the powers vested in me by Section 14-115 of the Administrative Code of the City of New York, I hereby DISMISS Police Officer Robert Lynch from the Police Service of the City of New York.

HONORABLE EDWARD A. CABAN
POLICE COMMISSIONER

EFFECTIVE: 8/14/23

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POLICE DEPARTMENT

July 28, 2023

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In the Matter of the Charges and Specifications	:	Case No.
- against -	:	2023-27817
Police Officer Robert Lynch	:	
Tax Registry No. 935219	:	
Police Service Area 7	:	

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At: Police Headquarters
One Police Plaza
New York, NY 10038

Before: Honorable Jeff S. Adler
Assistant Deputy Commissioner Trials

APPEARANCES:

For the Department: Javier Seymore, Esq.
Department Advocate's Office
One Police Plaza, Room 402
New York, NY 10038

For the Respondent: John Tynan, Esq.
Worth, Longworth & London, LLP
111 John Street, Suite 640
New York, NY 10038

To:

HONORABLE EDWARD A. CABAN
POLICE COMMISSIONER
ONE POLICE PLAZA
NEW YORK, NY 10038

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CHARGES AND SPECIFICATIONS

1. Said Police Officer Robert Lynch, while assigned to Housing PSA 1, on or about and between February 19, 2019 through September 14, 2022, within the confines of New York State, did steal services/property and the value of the services/property exceeded three thousand dollars.

A.G. 304-06, Page 1, Paragraph 1

PROHIBITED CONDUCT

NYS Penal Law § 155.35 (1)

GRAND LARCENY IN
THE THIRD DEGREE

2. Said Police Officer Robert Lynch, while assigned to Housing PSA 1, on or about February 19, 2019, within the confines of New York State, did make or cause a false entry in the business records of an enterprise and his intent to defraud included an intent to commit another crime or to aid or conceal the commission thereof.

NYS Penal Law § 175.10

FALSIFYING BUSINESS
RECORDS IN THE FIRST
DEGREE

REPORT AND RECOMMENDATION

The above-named member of the Department appeared before me on July 24, 2023.

Respondent, through his counsel, entered a plea of Guilty to the charged misconduct and testified in mitigation of the penalty. A stenographic transcript of the trial record has been prepared and is available for the Police Commissioner's review. Having evaluated all of the evidence in this matter, I recommend a penalty of Termination.

SUMMARY OF EVIDENCE IN MITIGATION

In February 2019, Respondent's automobile insurance lapsed for non-payment of the premium, and his driver's license was suspended. His insurance company directed him to the Department of Motor Vehicles ("DMV"), where, according to Respondent, an employee suggested that if he were to report his license plate as missing, it would enable him to re-register his vehicle and help get his insurance back. Even though his plate was not really lost,

Respondent chose to file a report claiming that it was. He testified that on February 19, 2019, he walked into his resident precinct, stated that his plate was lost, and a complaint report was prepared (Dept. Ex. 1). In that report, Respondent wrote and signed a narrative, in which he falsely stated that the front license plate of his Subaru Legacy was missing. He made the same false claim to the DMV. Subsequently, his driver's license and insurance were, indeed, restored. (Tr. 22-25, 35-37, 42-45, 50-51)

Contrary to the report, Respondent actually removed the front plate himself and stored it in his home. Rather than surrendering the rear license plate to the DMV as required, Respondent continued to drive the Legacy, with only the rear plate attached. Respondent admits that during the ensuing three-and-one-half years, he accrued approximately \$59,000 of unpaid tolls and fines with the Triborough Bridge and Tunnel Authority ("TBTA") and the Port Authority. Based on their respective toll records, he drove on TBTA crossings 755 times (Dept. Ex. 3), and on Port Authority crossings 723 times (Dept. Ex. 4). (Tr. 7, 10, 26-28, 37-43, 46, 49)

Respondent testified regarding circumstances in his personal life that affected his poor decision-making in this matter. He explained that he was married in 2010, and he and his wife had a daughter in 2015. Two years later, Respondent came home one day to a note from his wife, stating that she and their daughter were leaving him. His wife initiated divorce proceedings, which were finalized around May 2018. Custody was awarded to his wife, and Respondent was granted visitation every other weekend. His wife relocated from their Staten Island home to New Jersey. (Tr. 17-19)

According to Respondent, when his wife left him in 2017, he did not see his daughter for a period of 30-40 days. This was hard for Respondent mentally, and he testified that he was in "a very dark place." Once the divorce was finalized, Respondent experienced financial

difficulties: he had to make child support payments twice each month, as well as covering regular expenses like his rent. Respondent felt like his life was in a “free-fall.” Although he has not sought help through the Department, Respondent stated that he has seen a private physician, and has been diagnosed with “generalized anxiety disorder” for which he has been prescribed anti-depressant medication. (Tr. 19-21, 33-34, 41)

Respondent suggests that it was in this context that his misconduct occurred, beginning with the events of February 19, 2019 when he filed the false report, and continuing with his three-and-one-half years of unpaid tolls and fines. Respondent testified that he needed to be able to drive his vehicle in order to get to work, and to see his daughter. His wife and daughter had relocated to New Jersey, and also lived in Maryland for a time, while Respondent was in Staten Island. At some point in 2020, Respondent moved, but did not notify the DMV of his new address for fear of drawing attention to his illegal activity; as such, the bills for the tolls continued to be sent to his old address and remained unpaid. (Tr. 26, 38-39, 44-46)

On September 14, 2022, Respondent was stopped by TBTA officers shortly after crossing the Whitestone Bridge. They said his license plate did not match his car, and gave him a ticket for driving an unregistered vehicle. A subsequent investigation by IAB uncovered the extent of Respondent’s misconduct, and he was suspended without pay in January 2023. Respondent also was charged criminally for his actions. His next criminal court date is August 14, 2023, at which time Respondent anticipates that he will begin paying restitution for the unpaid tolls and fines pursuant to an agreement with the District Attorney’s Office. (Tr. 28-33, 47-48, 51-53)

PENALTY

In order to determine an appropriate penalty, this tribunal, guided by the Department's Disciplinary System Penalty Guidelines, considered all relevant facts and circumstances, including potential aggravating and mitigating factors established in the record. Respondent's employment history also was examined. *See* 38 RCNY § 15-07. Information from his personnel record that was considered in making this penalty recommendation is contained in an attached memorandum. In January 2023, Respondent negotiated a penalty of 35 vacation days and dismissal probation for consuming an intoxicant while on duty and being unfit for duty. In 2017, he negotiated a penalty of 20 vacation days for failing to safeguard his off-duty firearm.

Respondent, who was appointed to the Department on July 1, 2004, has pleaded guilty to the two specifications: committing grand larceny with respect to the unpaid tolls, and falsifying business records with an intent to defraud in that he falsely filed a complaint with the 122 Precinct claiming his license plate was lost. Based on the serious nature of this misconduct, the Department Advocate recommends that Respondent be terminated from the Department.

Counsel for Respondent argues that his client was contrite on the witness stand, was under a great deal of stress at the time of his misconduct, and asks that Respondent be permitted to leave the Department with his pension rights intact. On the one hand, Respondent was candid on the witness stand in acknowledging his wrongdoing. He explained how he was impacted by the sudden break-up of his marriage, and he appeared genuinely distraught as he described how it restricted his ability to see his daughter.

Yet despite the stress he was facing, starting with his separation from his wife in 2017, it is extremely troubling that Respondent went so far as to deliberately file a false report with his resident precinct in 2019 in order to get his privilege to drive reinstated. Respondent then

compounded that illegal conduct by embarking on a three-and-one-half year course of conduct, during which time he drove on TBTA and Port Authority bridges and tunnels without paying. This was not an isolated, impulsive instance of poor judgment; Respondent used these vehicular crossings more than *1,400 times*, and amassed approximately *\$59,000 in unpaid tolls and fines*.

Members of service must conduct themselves, both on and off duty, in a manner consistent with the Department's values and mission. While this Tribunal is sympathetic to Respondent's personal issues during the time period in question, a pension is a benefit accorded to members who uphold their oath by serving with integrity. With his actions here, Respondent compromised that integrity, and demonstrated an alarming inability to behave in a manner that is expected of a member of this Department.

The presumptive penalty for engaging in conduct that constitutes a felony is Termination. Here, Respondent pleaded guilty to *two* felonies: grand larceny and falsifying business records. Taking into account the totality of the facts and circumstances in this matter, including the egregious nature of his misconduct here, as well as his disciplinary history, I recommend that Respondent be DISMISSED from the New York City Police Department.

Respectfully submitted,



Jeff S. Adler

Assistant Deputy Commissioner Trials

APPROVED

AUG 14 2023

EDWARD A. CABAN
POLICE COMMISSIONER



POLICE DEPARTMENT CITY OF NEW YORK

From: Assistant Deputy Commissioner – Trials

To: Police Commissioner

Subject: SUMMARY OF EMPLOYMENT RECORD
POLICE OFFICER ROBERT LYNCH
TAX REGISTRY NO. 935219
DISCIPLINARY CASE NO. 2023-27817

Respondent was appointed to the Department on July 1, 2004. On his three most recent annual performance evaluations, he was rated “Exceeds Expectations” for 2021, and twice rated “Meets Standards for 2019 and 2020.

In January 2023, Respondent negotiated a penalty of 35 vacation days, one-year dismissal probation, and cooperation with counseling and ordered breath tests after pleading guilty to a 2021 incident where he brought an intoxicant into a Department facility, consumed it while on duty and in uniform, and was unfit for duty. Dismissal probation for this case remains ongoing.

In 2017, Respondent negotiated a penalty of 20 vacation days for failing to safeguard his off-duty firearm.

In connection with the instant matter, Respondent was suspended without pay from January 24, 2023 to February 22, 2023. He remains on modified assignment to date.

For your consideration.

Jeff S. Adler
Assistant Deputy Commissioner Trials